

DETAILED ACTION

This action is in response to Amendment filed January 3, 2008. Claims 1, 5, 9, 10 and 20 were amended and claims 11, 16 and 18 were cancelled as requested by the applicant.

Response to Arguments

Applicant's arguments, see Amendment, filed January 3, 2008, with respect to rejection of claims 1, 5, 9, 10 and 20 have been fully considered and are persuasive. The rejection of claims 1, 5, 9, 10 and 20 has been withdrawn.

Applicant amended claims 1, 5, 9 and 10 to include the allowable subject matter of claims 11, 16 and 18 and amended claim 20 to be written as an independent claim.

Allowable Subject Matter

Claims 1-10, 12-15, 17, 19 and 20 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 5, 9, 10 and 20 though the prior art teaches a first fluid and a second fluid in contact over a meniscus extending transverse an optical axis, the fluids being substantially immiscible and having different indices of refraction; a reflective surface; and a

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meniscus adjuster arranged to controllably alter at least one of the shape and position of the meniscus so that the meniscus is asymmetric with respect the optical axis, it fails to teach or disclose the optical device wherein the meniscus adjuster is arranged to alter the at least one of the shape and the position of the meniscus by changing a first wettability of a first side wall of the adjustable mirror by a different amount than a second wettability of a second side wall of the adjustable mirror as set forth in the claimed combination.

The remaining claims depend from claims 1, 5 and 9 directly or indirectly and are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA L. PRITCHETT whose telephone number is (571)272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua L Pritchett/
Primary Examiner
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